

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EGYPTIAN GODDESS, INC.,

Plaintiff and Counter-Defendant,

VS.

SWISA, INC. and DROR SWISA,
INDIVIDUALLY,

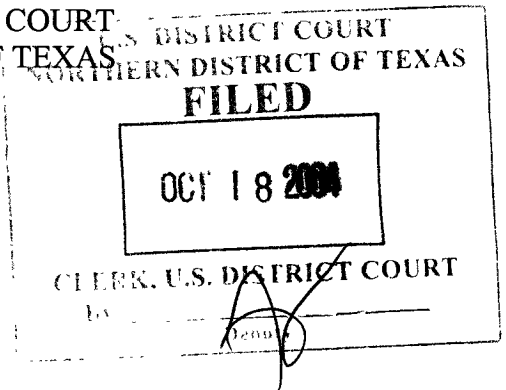
**Defendants, Counter-Plaintiffs and
Third-Party Plaintiffs,**

VS.

ADI TORKIYA,

Third-Party Defendant.

CIVIL ACTION NO. 3-03-CV-0594-N



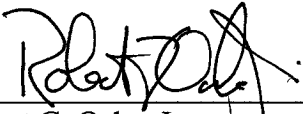
PLAINTIFF'S MOTION FOR CLAIM CONSTRUCTION

Pursuant to this Court's order of April 21, 2004, Plaintiff Egyptian Goddess, Inc. (Egyptian Goddess), serves on defendants this motion for claim construction, respectfully showing as follows:

Plaintiff hereby moves the Court to construe the claim of United States Design Patent D467, 389. Since none of the features of the subject design patent are functional, this Court need not construe the subject design patent in words. Rather, after properly charging the jury on the law of design patent infringement, the Court should allow the jury to compare the accused nail buffer against the subject design patent.

[signature on following page]

Respectfully submitted,

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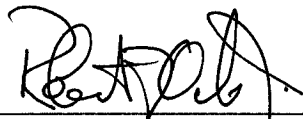
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ATTORNEYS FOR PLAINTIFF EGYPTIAN
GODDESS, INC. and THIRD PARTY
DEFENDANT ADI TORKIYA

CERTIFICATE OF SERVICE

I certify that on July 19, 2004, a true and correct copy of the foregoing was served under the Federal Rules of Civil Procedure to the following:

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